

REMARKS

Summary of Changes Made

By this Amendment, no claims have been amended, no claims have been canceled, and no new claims have been added to the application. Accordingly, claims 1-23 are pending in the application. No new matter has been added.

Interview Summary

In the prior Office Action, the Examiner indicated that the reply filed on December 7, 2006 was not deemed to be fully responsive to the prior Office Action because the election did not include a listing of all the claims readable upon the elected species (Fig. 9-11). The Examiner noted that the reply filed on December 7, 2006 indicated that claims 21 and 22 were readable upon the elected species, but the Examiner noted that the application clearly includes additional claims that read upon the elected species. On February 26, 2007, counsel for applicant contacted the Examiner by telephone to discuss the prior Office Action. During that telephone conversation, the Examiner explained that Figs. 9-11 show a channel provided in the sidewall of the end cap for receiving and engaging the inwardly extending flap when the end cap is disposed in the open end of the paper tube. Thus, the Examiner noted that at least claim 1 of the present application, which claims an end cap in combination with a paper tube that includes such elements, also clearly reads upon the elected species.

Supplemental Response to Election of Species Requirement

Applicant confirms the prior election species III (Figs. 9-11). Claims 1-22 read on the elected species. Claim 23 only reads on non-elected species IV.

Conclusion

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited

Application No. 10/773,393
Amendment dated February 27, 2007
Reply to Office action of February 22, 2007

to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge the same to Deposit Account No. 18-0160, Order No. EPT-15067.

Respectfully submitted,

RANKIN, HILL, PORTER & CLARK LLP

By: /Randolph E. Digges, III/

Randolph E. Digges, III

Reg. No. 40590

700 Huntington Building
925 Euclid Avenue
Cleveland, Ohio 44115-1405
TEL: (216) 566-9700
FAX: (216) 566-9711
docketing@rankinhill.com